



17 JUN 2003

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Hisashi Tsukamoto
c/o Quallion, LLC
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Valencia, CA 91355


In re Application of
TSUKAMOTO et al.
Serial No.: 09/403,603
PCT No.: PCT/JP98/01844
Int. Filing Date: 22 April 1998
Priority Date: 23 April 1997
Attorney's Docket No.: P64708US0
For: ELECTRODE AND BATTERY

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:
:
: DECISION ON
:
: PETITION
:
: UNDER 37 CFR 1.47(a)
:

Dear Mr. Tsukamoto:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.


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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Patent Cooperation Treaty
Legal Office

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of a national stage application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Hisashi Tsukamoto) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/JP98/01844 and was filed on 22 April 1998 in the names of Yoichiro Arima, Hisashi Tsukamoto, Shigeru Aihara, Daigo Takemura, Hisashi Shioda, Hiroaki Urushihata, Juni Arakane, Shyoji Yoshioka, and Makiko Kise for the invention entitled Electrode and Cell. The national stage application is assigned number 09/403,603 and has a 35 U.S.C. 371(c) date of 14 May 2003.



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In re Application of ARIMA et al. :
Application No.: 09/403,603 :
PCT No.: PCT/JP98/01844 :
Int. Filing Date: 22 April 1998 : DECISION ON PETITION
Priority Date: 23 April 1997 :
Attorney Docket No.: 19051.072 : UNDER 37 CFR 1.137(b)
For: ELECTRODE AND BATTERY :

This is a decision on applicants' "Petition to Revive under 37 CFR 1.137(b)", filed in the United States Patent and Trademark Office (USPTO) on 14 May 2003.

On 26 March 2003, a decision was mailed dismissing applicant's renewed petition under 37 CFR 1.137(a). The decision indicated that the dismissal or denial of a petition under 37 CFR 1.137(a) did not preclude applicant from obtaining relief pursuant to 37 CFR 1.137(b) on the basis of unintentional delay.

DISCUSSION

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

With the submission of the petition on 14 May 2003, applicant satisfied Items (2) and (3). With regard to Item (1), an oath or declaration executed by the inventors, in compliance with 37 CFR 1.497, is required and satisfied. On 31 October 2002, a decision granting applicant's petition under 37 CFR 1.47(a) was held in abeyance pending revival. That decision indicated that the evidence was sufficient to conclude that Hisashi Tsukamoto refused to sign the application and that the executed declarations submitted on 09 February 2001 were acceptable. The \$130 surcharge for filing the oath or declaration after the thirty month period was paid.

CONCLUSION

The petition to revive under 37 CFR 1.137(b) is **GRANTED**. The declarations submitted on 09 February 2001 are in compliance with 37 CFR 1.497 and are acceptable

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 date is **14 May 2003**.


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